

REMARKS/ARGUMENTS

Reconsideration and allowance of the subject patent application is respectfully requested.

Claims 1-14 are currently pending.

Re the 35 U. S. C. § 102 Rejection:

The rejection of claims 1-14 under 35 U. S. C. §102 as allegedly being anticipated by Miyamoto et al. (U.S. Patent No. 6,132,315) is respectfully traversed for at least the reasons set forth below.

Miyamoto et al. disclose a game system arrangement wherein a game machine of a type/kind having sophisticated processing capabilities (e.g., such as a home video game console) can be used to access game backup data created by a game program initially played/started on a different kind/type of game machine having somewhat less sophisticated processing capabilities (e.g., such as a portable hand-held game machine) so that the game backup data can be temporarily stored and used when playing a same or related game on the more sophisticated game machine. Subsequently, at the conclusion of gameplay on the more sophisticated game machine and after being modified as a result of the gameplay, the temporarily stored game backup data is transferred back to the original less sophisticated different type/kind game machine. More specifically, Miyamoto et al.'s disclosed arrangement temporarily maintains and modifies game backup data as a result of gameplay operations for up to four different players using the game machine having the sophisticated processing capabilities and then, at the conclusion of gameplay, each player's game backup data is transferred back to each individual player's less sophisticated game machine or a memory device associated with each individual player. However, in Miyamoto et al.'s arrangement, the memory device associated with each player's less sophisticated/different game machine only includes a single type of backup data

storage area that is associated with one particular game program. Consequently, since game backup data is transferred and written back to only a single game program backup data storage area, any changes or updates made to an individual player's game backup data when playing on the more sophisticated game machine can only effect gameplay for that same single particular game program and will not be available to effect gameplay for any other game program that is also stored or run from that memory device/medium (i.e., the memory device/medium associated with the less sophisticated game machine).

In contrast, applicants' claims 1-10 and 13 are directed toward a game apparatus and backup data writing method having/using at least two distinct backup data storage areas on a same single memory device/medium associated with the game apparatus, each backup data storage area corresponding to a *different game program* (e.g., a single-player program and a multi-player program), and require certain game progress information developed during the gameplay of either game program to be written into both game program backup data storage areas so that the most currently updated game progress information will be available to either game program, vis-à-vis its corresponding backup data storage area, when played subsequently.

Applicants' claims 11 and 14 are similarly directed and further require a third backup data storage area which holds shared information utilized in common by the two different game programs, wherein all three of the distinct backup data storage areas are included together on the same memory device/medium used for storing game backup data associated with a particular game machine and at least two different game programs are also stored on a same memory device/medium associated with that same game machine. Applicants respectfully contend that Miyamoto et al. does not teach or disclose any of the above features as recited in claims 1-14.

In regard to applicants' independent claim 1, Miyamoto et al. do not teach or disclose providing separate distinct backup data storing areas on a same read/write memory device used by a particular game apparatus. In particular, Miyamoto et al. do not teach or disclose a "writable and readable backup data storage memory having a first backup data storing area for storing backup data relating to said first game program and a second backup data storing area for storing data relating to said second game program", as set forth in applicants' claim 1. In fact, Miyamoto et al. teach away from all of applicants' claims 1-14 (which require both a first and a second backup data area on a same memory device/medium used by a particular game apparatus) by teaching an arrangement wherein the disclosed backup data memories are explicitly not on the same memory device/medium—i.e., a first backup data memory means (15b) is provided in a cartridge for use with a first game machine (10) and a second backup memory means (26) is provided in second game machine (20). (See the '315 patent at col. 2, lines 51-62 and Figs. 1 and 3.)

Moreover, Miyamoto et al. do not teach or disclose a "first condition detector for determining whether or not a predetermined condition is accomplished in the progress of the game selected and instructed to be started by said game operation controller", as set forth in applicant's claim 1. With respect to the passage of the Miyamoto '315 patent at col. 15, lines 15-38-40, cited at page 2 of the office action as teaching a "condition detector", Miyamoto's disclosed "predetermined condition" is not the type of predetermined condition that is accomplished during the course of the gameplay, as set forth in applicants' claims. Rather, it is merely a check for the existence of certain predetermined game name and version data to confirm that "a second-machine cartridge 25 or disc 35 now being playable is in a predetermined

relationship to the cartridge 15 and that an associated game or motion can be effected by using the cartridge 15.” (‘315 patent at col. 15, lines 40-44)

Applicants’ claims 2-7 are dependent from claim 1 and inherently include the recited features of that claim. Consequently, applicants’ dependent claims 2-7 are not anticipated by Miyamoto et al. for at least the same reasons recited above with respect to claim 1.

In regard to the rejection of applicants’ independent method claims 8 and 9 under 35 U.S.C. §102, the passages of the Miyamoto ‘315 patent cited in the office action as purporting to anticipate applicants’ claims 8 and 9 (i.e., col. 15, lines 29-60) relate specifically to a *backup data reading process* (see Fig. 10 of ‘325 patent) and, as explained above, describe a check for the existence of certain predetermined game name and version data to confirm that a *second*-machine cartridge being used is in a predetermined relationship to a *first* cartridge and that an associated game or motion can be effected by using the *first* cartridge. (See, in particular, ‘315 patent at col. 15, lines 40-44.) Accordingly, the cited passages of Miyamoto et al. clearly do not teach or disclose “writing, when it is determined that the predetermined condition is accomplished, information relating to the predetermined condition to both a backup data storing area of said game *which has been started* and to a backup data storing area of at least one other game *that has not been started*” (emphasis added), as set forth in applicants’ claims. Consequently, applicants’ respectfully contend that claims 8 and 9 are also not anticipated by Miyamoto et al. for at least the same reasons recited above with respect to claim 1.

Likewise, with respect to the rejection of applicants’ computer program product claim 13 under 35 U.S.C. §102, applicants respectfully contend that Miyamoto et al. do anticipate this claim for at least the same reasons discussed above in regard to the rejection of applicants’ method claims 8 and 9.

In regard to the rejection of applicants' independent claim 10 under 35 U. S. C. §102, Miyamoto et al. do not teach or disclose providing a read/write memory having first and second backup data storing areas for storing game progress data corresponding to first and second game programs stored on the same memory device/medium for use by a single game apparatus capable of playing multiple games, in the manner as set forth in claim 10, for at least the same reasons as discussed above with respect to claim 1. Moreover, Miyamoto et al. clearly do not teach a game apparatus having both a first condition detector and a "second condition detector for determining whether or not the predetermined condition is also accomplished in at least one other game that was not selected by said operation controller once it is determined that the predetermined condition is accomplished by said first condition detector" (emphasis added) or "a second writing controller for writing...information for generating changes during gameplay progress of the game...when it is also determined that the predetermined condition is accomplished in said another game by said second condition detector", as set forth in applicants' claim 10.

In regard to the rejection of applicants' claims 11, 12 and 14 under 35 U. S. C. §102, Miyamoto et al. clearly do not teach or disclose "a readable and writable backup data storage memory having a first backup data storing area for storing backup data relating to said first game program, a second backup data storing area for storing data relating to said second game program and a shared backup data storing area" (emphasis added), as set forth by these claims. With respect to the particular passages of the Miyamoto et al. '315 patent specification that was cited in the office action, applicants respectfully contend that the cited passages fail to teach or disclose a game machine having a separate "shared backup data area" as set forth in applicants' claims 11, 12 and 14, i.e., wherein at least two different game programs are stored on a same memory device/medium associated with that game machine along with two corresponding game

backup data storage areas and a further third backup data storage area which holds shared information for use by the two different game programs. In particular, Miyamoto et al. do not teach or disclose a game apparatus, as claimed, wherein all three of the distinct backup data storage areas are included together on the same memory device/medium used for storing game backup data associated with a particular game machine where the shared backup data area can be accessed by other game programs when running on that same machine.

Consequently, for at least the above stated reasons, Applicants respectfully contend that the '315 patent to Miyamoto et al. does not anticipate claims 1-14 because it does not disclose every element as set forth in these claims. See *Lewmar Marine, Inc. v. Barient, Inc.*, 3 U.S.P.Q. 2d 1766 (Fed. Cir. 1987).

In view of Applicant's foregoing remarks, it is believed that the application is in condition for allowance. Favorable consideration and allowance of this application are respectfully solicited. If any small manner remains outstanding, the Examiner is encouraged to telephone Applicants' representative at the telephone number listed below or on the following page.

Respectfully submitted,

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